

II) REMARKS

This Amendment is submitted in response to the RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT for the above-identified application dated March 7, 2005.

The Examiner has rejected the claims under 35 USC 103(a) as being unpatentable over Perkowski, U.S. Patent No. 6,625,581 ("Perkowski) in view of U.S. Patent No. 5,867,688 to Simmon et al. ("Simmon"). The Applicant has amended the claims above in order to more clearly distinguish the present invention from the cited prior art, traverses the instant rejection and respectfully requests reconsideration in view of the following remarks.

The present invention, as set forth in amended claim 1, is a method of using a wireless device to enable a client device to access a primary content file. First, a linkage code is entered into a wireless device, the linkage code including a routing identification code and an item identification code. A data stream that includes the linkage code and a subscriber identification number associated with the wireless device is then transmitted to a list server. The linkage code is then stored in memory at the list server in association with the subscriber identification number. Subsequently, a user may log into the list server from a client device, and the client device transmits to the list server the subscriber identification number associated with the wireless device. The linkage code associated with the subscriber identification number is then retrieved from memory at the list server and transmitted from the list server to the client device.

As set forth in dependent claim 2, a user may provide the client device with the desired subscriber identification number in order to retrieve the associated linkage code(s). Dependent claim 3 recites that the client device is one of a group of devices comprising a personal computer, a web-based television, and a video console. In dependent claim 4 as amended herein, the client device utilizes the linkage code to retrieve a primary content file associated with the item identification code from a content server associated with the routing identification code.

Independent claim 5, as amended herein, recites a networked computer system that includes a wireless device, a list server with a storage means for storing data, and a client device, all of which are capable of selective interconnection to a computer network. The wireless device has input means for inputting a linkage code that includes a routing identification code and an item identification code. The wireless device also has transmitting means for transmitting a data stream to the list server for storage therein, the data stream including the linkage code and a subscriber identification number associated with the wireless device. The list server has means for storing the linkage code in the storage means in association with the subscriber identification number. The client device has means for logging into the list server and for transmitting to the list server the subscriber identification number associated with the wireless device. In addition, the list server includes means for retrieving from the storage means the linkage code associated with the subscriber identification number transmitted by the client device, and means for transmitting the linkage code retrieved from the storage means to the client device.

Dependent claim 6 recites that the client device further comprises means for a user to provide the client device with the subscriber identification number in order to retrieve the associated linkage code(s). Dependent claim 7 recites that the client device is one of a group of devices comprising a personal computer, a web-based television, and a video console. In dependent claim 8 as amended herein, the system also includes a content server associated with the routing identification code and capable of selective interconnection to the computer network, and the client device has means for utilizing the linkage code to retrieve a primary content file associated with the item identification code from the content server associated with the routing identification code.

Neither of the cited prior art references teach or suggest this novel and unobvious invention as claimed herein. The Perkowski patent relates to a method for purchasing a product over the Internet, in which a web page is embedded with a tag that is associated with a Consumer Product Information Request (CPIR) enabling servlet stored on a web server on the Internet. When a consumer views the web page and clicks on the tag due to his interest in the product associated with the tag, then the associated CPIR enabling servlet is initiated at the web server, and a request for information is thereby executed for

the consumer product identified by the servlet. In response to the request, information is retrieved and displayed on the consumer's web browser, which includes a URL that points to an e-commerce enabled store on the web at which the consumer may purchase the desired product (see Claim 1).

The Examiner alleges that Perkowski teaches

entering a linkage code into a wireless transmitting device, wherein the linkage code comprises a routing identification code and an item identification code . . . transmitting the linkage code in a data stream to a list server therein wherein the data stream includes a subscriber identification number (column 5, lines 34-42 and column 24, lines 38-47 *where the manufacturer's identification number is equivalent to the subscriber identification number*).

Office action at page 2 (emphasis added). The Applicant respectfully disagrees with this interpretation of the Perkowski reference. The first passage provided by the Examiner is as follows:

Another object of the present invention is to provide such a system and method, wherein virtually any type of product can be registered with the system by symbolically linking or relating (i) its preassigned Universal Product Number (e.g. UPC or EAN number) or at least the Manufacture Identification Number (MIN) portion thereof with (ii) the Uniform Resource Locators (URLs) of one or more information resources on the Internet (e.g. the home page of the manufacturer's Web-site) related to such products.

Perkowski, column 5, lines 34-42. This simply states that a product's UPC or part of its UPC (i.e. its manufacturer identification number part, which the Applicant uses as the routing identification code) is linked or associated with a URL of a web page related to that product. This does not teach or suggest the use of a subscriber identification number as part of the data stream transmitted from the wireless device to the list server on the Internet as in claim 1. The subscriber identification number used in the present invention is associated with the wireless device and is a way of uniquely identifying that wireless device, regardless of the linkage code that may be entered into the wireless device. That subscriber identification number is then used by the client device to retrieve linkage codes previously entered by that wireless device and uploaded to the list server (rather

than retrieving linkage codes entered and uploaded by a different wireless device having different subscriber identification number. Claim 1 has been amended to clarify the implementation of the subscriber identification number in this respect and clearly show how it is not the same as the manufacturer's identification number as alleged by the Examiner.

The other passage referred to by the Examiner states as follows:

Also, the WebDox Remote.TM. Server is provided with a dial-up Internet connection (i.e. 14,400 bps or better) to the Internet infrastructure. The function of the Web-based Document Server 30, Web-based Administration System 31 and remote client subsystems 13 running the Premenos.RTM. WebDox Remote.TM. software is to provide a Web-based Document Transport System for automatically transferring information (e.g. UPN/URLs) from manufacturers to the IPD Servers of the system in order to periodically update the same.

Perkowski, column 24, lines 38-47. This also does not teach or suggest the use of a subscriber identification number as a means for identifying the particular wireless device that has entered and uploaded linkage codes to the list server, which is not the same as the manufacture identification number that is part of the linkage code itself.

In further clarification of this distinction, a single wireless device having a specific subscriber identification number may enter and upload many different linkage codes, which may all have different manufacturer identification numbers or which may have the same manufacturer identification numbers. Regardless of the manufacturer identification number entered as part of the linkage code, the data stream transmitted to the list server will always have the same subscriber identification number for that wireless device. Similarly, if a different wireless device entered and uploaded the same set of linkage codes to the list server, the manufacturer identification number portion(s) of the data stream(s) would be the same as for the first wireless device because the same linkage codes have been entered, but the subscriber identification number portion(s) of the data stream(s) would be different from the first wireless device because it identifies a different wireless device than the first one.

The Examiner also alleges that Perkowski teaches:

logging in to the list server from a client device, wherein the client device provides the subscriber identification number of the linkage code stored on the list server wherein said data stream includes a subscriber identification number associated with the wireless device (column 7, lines 18-40, Figure 5A; column 35, lines 1-4 where C2 represents the identification of the subscriber)

Office action, page 3. The Applicant respectfully disagrees with this interpretation of the Perkowski reference as it may apply to the claims. The passage at column 7, lines 18-40 refers only to associating UPC/EANs with a URL. In Figure 5A “the high level structure is shown for a communication protocol that can be used among a client subsystem Ca, an IPD Server Sb, and an IPI Server Sc of the IPI finding and serving subsystem hereof when it is induced into the Manufacturer/Product Registration Mode of operation from the point of view of the depicted client subsystem.” That is, the client system sends a UPC request to the IPD server, which returns the URL to the client system and enables it to access the web document server designated by the URL. This does not teach or suggest that a client device may log into the list server and obtain linkage code(s) previously stored on the list server in association with the subscriber identification number, which is not the same as the manufacturer identification number, as set forth in claim 1. Claim 1 has been amended to clarify that the subscriber identification number is associated with the wireless device as previously discussed.

The Examiner admits that Perkowski does not disclose transmitting the linkage code to the list server for storage (and as explained previously there is no transmission of a subscriber identification number associated with the transmitting wireless device along with the linkage code). However, the Examiner alleges that

Simmons teaches a method of providing a primary content file to a client device from a wireless device wherein a linkage code is entered into a wireless device and sent to a server for storage (column 4, lines 9-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made [to] implement Simmon’s method of data entry using a wireless device to provide quicker and more efficient data acquisition and retrieval method for users to acquire relevant data associated with the linkage code from the server.

Office action, page 3. The Applicant respectfully disagrees.

Simmon teaches a data acquisition system that uses a wireless device for uploading information to a computer. The passage referred to by the Examiner states that

As explained below, the communications server 12 synchronizes its operations with those of the handheld interfaces 8 to minimize the excess data necessary for each transmission therebetween. The communications server 12 and interface 8 also utilize shorthand code values to identify constantly transmitted information, such as commands, user IDs, database IDs, and the like. By synchronizing operation of the handheld interface 8 and the corresponding communications server 12, the instant system is able to avoid the need to transmit the user ID, time, date, authorization code, and the like during every transmission.

During operation, the user enters data at the handheld interface 8, the data is transmitted to the communications server 12 and stored internally within the database 16.

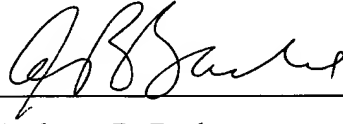
Simmon, column 4 lines 9-22. While this does state that “shorthand code values” are transmitted from the handheld user interface to the communication server, there is no application of this to the present invention. There is no teaching that linkage codes are transmitted from a wireless device to a list server along with a subscriber identification number associated with the wireless device, wherein the subscriber identification number is subsequently used to retrieve the associated linkage code from the list server memory and send the linkage code to a requesting client device, as set forth in amended claim 1. Thus, claim 1 as amended is not taught or suggested by either of the cited references taken alone or in combination, and claim 1 should be allowed.

Dependent claims 2-4 all depend from independent claim 1 and are also allowable for at least the reasons explained above. Independent claim 5 is similar to claim 1 but in a system format. Claim 5 has been likewise amended in order to more clearly distinguish from the cited references. Claim 5 is thus allowable and in condition for allowance. Dependent claims 6-8 all depend from independent claim 5 and are also allowable for at least the reasons explained above.

Applicant thus submits that the entire application is now in condition for allowance, early notice of which would be appreciated. Should the Examiner not agree

with the Applicants' position, a personal or telephonic interview is respectfully requested to discuss any remaining issues and expedite the eventual allowance of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Anthony R. Barkume', is written over a horizontal line.

Anthony R. Barkume

Reg. No. 33,831
Attorney for Applicant

Date: March 21, 2005

20 Gateway Lane
Manorville, NY 11949
tel (631) 878-0526
fax (631) 980-7997